

COMPLAINT NUMBER	21/539
ADVERTISER	Voices for Freedom
ADVERTISEMENT	Voices for Freedom, Unaddressed Mail
DATE OF MEETING	1 February 2022
OUTCOME	Upheld Advertisement not to be used again

Summary of the Complaints Board Decision

The Complaints Board upheld 56 complaints about two unaddressed mail advertisements on mask mandates in the pandemic and the claimed Advertising Standards Authority endorsement, published and distributed by Voices for Freedom. The Board said the advertisements were misleading and not socially responsible.

While the Complaints Board acknowledged the New Zealand Bill of Rights Act 1990 protection of freedom of expression, it agreed the following reasons justified it taking a higher-level approach to the assessment of this advertising based on the Principles in the Advertising Standards Code, which are the requirements for social responsibility and truthful presentation in responsible advertising.

The broad public health implications of the COVID-19 global pandemic at a population level provided a counterweight to the usual liberal assessment of advocacy advertising with regard to social responsibility and truthful presentation.

The Board agreed the rapidly evolving nature of the pandemic also meant information used to support statements for and against the use of masks could quickly become out-of-date.

The Board said the advertising is misleading because it implied the Advertising Standards Authority (ASA) had granted formal approval and endorsement of the content, which is not correct and not an accurate reflection of the ASA process.

The Complaints Board said the advertising and its unrestricted distribution via letterboxes was not socially responsible. This is because it was misleading.

The advertising was in breach of Principle 1 and Principle 2 and Rules 2(b), and 2(f) of the Advertising Standards Code.

Advertisements

One side of the advertisements included the following question: “GOING TO WEAR THAT MASK ALL SUMMER?”

Below this was the text:

“Face coverings are now “mandatory*” in certain situations including on public transport and domestic flights, but is this the right solution?

DID YOU KNOW?

- Typical mask wearing does not reduce SARS-CoV-2 infection rates (COVID-19)

- SARS-CoV-2 **viral particles are tiny** and can easily **pass through mask fibres**
- Up to **98% of viral particles may pass through cloth masks!**
- Masks have been **shown to cause hypoxia** (deprivation of adequate oxygen)
- More than **1.5 BILLION** face masks will pollute the oceans this year!
- * A **mask exemption** is available to anyone with a physical or mental health illness, condition or disability that makes **wearing a face covering unsuitable.**"

The advertising also had what appeared to be a big red "seal of approval" which said: "All claims substantiated ASA".

Summary of the Complaints

The Complainants were concerned the advertising was misleading, offensive, caused fear and harm to public health, did not clearly identify the Advertiser, and inappropriately claimed the endorsement of the Advertising Standards Authority (ASA).

The Complainants were also concerned the advertising discouraged the use of masks, which is not socially responsible, especially as mask use has been mandated by the Government, in certain circumstances.

Issues Raised:

- Social Responsibility
- Decency and Offensiveness
- Fear and Distress
- Health and Wellbeing
- Truthful Presentation
- Advocacy Advertising
- Use of Testimonials and Endorsements

Summary of the Advertiser's Response

The Advertiser defended the advertisements, under each of the relevant codes and said the advertisements are substantially a reprint of their mask flyer, which was the subject of Complaint 21/318.

The Advertiser noted that the situations requiring mandatory mask use are now much broader and more complicated than when their flyers first went to print.

The Advertiser said evidence in support of each of the six statements made in the leaflet, is available on the Voices for Freedom website at www.voicesforfreedom.co.nz/mask-facts.

The Advertiser also provided twelve additional references, including several videos.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 1(g), Rule 1(h), Rule 2(b), Rule 2(e), Rule 2(f)

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

Rule 2(f) Use of testimonials and endorsements: Advertisements must not contain or refer to any personal testimonial unless permission to use the testimonial has been obtained and it is verifiable, genuine, current, and representative of the typical not the exceptional. Advertisements must not claim or imply endorsement by any individual, government agency, professional body or independent agency unless there is prior consent and the endorsement is current and verifiable.

Guidelines

Advertisements must not display a trust mark, quality mark or equivalent signs or symbols, without the necessary authorisation or approval. Advertisements must not claim that the advertiser (or any other entity referred to) or the advertised product has been approved, endorsed or authorised by any public or other body (i) if it has not, or (ii) without complying with the terms of the approval, endorsement or authorisation.

Relevant precedent decision

In considering this complaint the Complaints Board referred to a precedent decision, Decision 21/509 which was Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 21/509 concerned a Facebook advertisement for The Freedom & Rights Coalition New Zealand which had the text “We’re linking consumers with those businesses across Aotearoa that are choosing to be open to ALL people – regardless of their medical decisions.”

The advertisement had a poster which said: “All welcome – Vaxed & Unvaxed. Our business does not discriminate. Unite against Discrimination”. The background for the poster was diagonal yellow and white stripes.

The Complaints Board said the advertisement was misleading because it was in the same style as the Government COVID-19 advertising. This gave the impression there was an implicit endorsement from the Government for the view that the use of vaccine passports should be optional and not encouraged.

Advocacy Advertising

The Complaints Board said the advertising before it fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They say:

1. That section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people’s rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the rights granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

Complaints Board Discussion

The Chair noted that the Complaints Board’s role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisements, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: Government advice and mandates for masks during the COVID-19 global pandemic and the emergence of new strains of the virus
 - Medium: Unaddressed mail to letterboxes
 - Audience: Unrestricted via household letterboxes to adults and children

- Product: Advocacy messaging from an organisation opposed to mask mandates

Adjudicating on Advocacy Advertising

The Chair noted that advocacy advertising presents some of the most challenging advertising adjudicated on by the Complaints Board.

It is usually characterised by parties having differing views that are expressed in robust terms. This results in strong objections from complainants and an equally strong defence from advertisers.

Through the requirements of the Advertising Standards Codes of Practice and the Advocacy Principles, the Board supports issues being openly debated and has generally endeavoured not to apply a technical or unduly strict interpretation of the rules and guidelines.

Complainants sometimes ask the Board to in effect decide which side in an advocacy debate is correct. The Complaints Board has consistently declined to have a view on the merits of either side in an advocacy debate. The Complaints Board's only role is to determine whether there has been a breach of our Codes.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear.
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

Evolving Context

The Complaints Board discussed the importance of the context in which the advertisements before it had been distributed and the impact of this on the Complaints Board's assessment of Code compliance.

The Board noted the world is in the third year of an international global pandemic, which has been declared a public health issue of international concern by the World Health Organisation and has resulted in over 5.7 million¹ deaths worldwide. The Board also discussed the context from a national perspective. New Zealand currently has community transmission of the Delta variant of the virus and more recently, the more infectious Omicron variant. The Board noted the Government's public health measures have evolved, including measures around use of masks, which were now viewed as an important tool in reduction of transmission of the virus.

The Complaints Board noted the Human Rights Commission published *A human rights and Te Tiriti o Waitangi approach to Aotearoa New Zealand's proposed Covid-19 Protection Framework* – November 2021, which says in part:

“Under human rights law some rights can be limited by public health measures which respond to the outbreak of a disease posing a serious threat to the health of a population. Also balances have to be struck between competing human rights ... International human rights law principles set out when and how public health measures may limit rights. Such measures must be specifically aimed at preventing disease ... They must also be based on scientific evidence...”

The Complaints Board took into account a number of legal challenges to the rights protected under the New Zealand Bill of Rights Act 1990 in relation to Government health orders have been unsuccessful. In these precedents, the Courts have consistently found that the rights of

¹ www.Covid19.who.int

the population in the context of the global pandemic carry more weight than the rights of individuals.

While the Complaints Board acknowledged the protection for freedom of expression in the New Zealand Bill of Rights Act 1990, it also noted the rapidly evolving nature of the COVID-19 pandemic meant information used to support statements for and against masks could quickly become out-of-date. Taking these exceptional circumstances into account, the Board agreed to take a higher-level approach to the assessment of this advertising, based on the Principles in the Advertising Standards Code which are the requirements for social responsibility and truthful presentation in responsible advertising.

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisements was masks aren't as good as we've been told. This is because they're ineffective and cause pollution. Consumers can also seek exemptions from wearing them. In addition to this, the inclusion of the seal of approval implied that the advertisements and the statements about masks were officially approved and endorsed by the Advertising Standards Authority (ASA).

Have the advocacy advertisements been adequately identified?

The Complaints Board agreed the advertisements met the identity requirements of Rule 2(e) of the Advertising Standards Code. The advertisement includes the Voices for Freedom logo, and the organisation's website address. The Advertiser's position on the efficacy of masks and the Government masks mandate was also clear.

The Complaints Board agreed the broad public health implications of the pandemic at a population level provided a counterweight to the usual liberal assessment of this type of advocacy advertising.

The Board noted the advertisements included a disclaimer at the bottom of page 2, in a smaller print, which states: "The information on this leaflet is educational only and does not constitute medical or legal advice." The Board said the inclusion of the disclaimer did not offset the need for the advertising to be truthful and socially responsible, considering the likely consumer takeout.

Were the advertisements misleading?

The Complaints Board agreed the advertisements were misleading to imply endorsement by the ASA. This is because they included a symbol, created by the Advertiser, and made to look like a trust mark or seal of approval, which included the text: "All claims substantiated ASA", without the necessary authorisation or approval of the ASA. The use of this symbol implies the ASA has taken sides with the Advertiser, in an advocacy debate, which is not correct. The Board also noted that many of the Complainants believed the ASA had endorsed the Advertiser's statements.

The Complaints Board noted the use of the endorsement was a reference to a Complaints Board decision for a previous complaint, Complaint 21/318. This complaint concerned an earlier, similar advertisement published by Voices for Freedom.

In that decision the Complaints Board said the statements made in the advertisement had been "adequately substantiated in the context of advocacy advertising". The Board agreed the implication that the message in the current advertising was endorsed by the ASA created the impression the ASA was opposed to Government policy on mask wearing.

The Complaints Board said the Advertiser had used this wording to claim endorsement of the advertisements on the basis that the ASA had checked the validity of the claims made and

agreed with them. This is not correct and not an accurate reflection of the ASA process and Decision 21/318.

The Complaints Board noted the SARS-CoV2 virus is a novel virus and the science and corresponding advice based on that science is evolving as the pandemic progresses. It noted both public health responses and criticism of those measures must adapt their reasoning and responses as the science emerges. The Complaints Board noted the advertising subject to complaint has been distributed over several months.

The Complaints Board said mask wearing practices and the science on mask wearing, as a means of preventing the spread of COVID-19, are evolving all the time.

The Complaints Board said the advertisements were misleading and in breach of Principle 2 and Rules 2(b), and 2(f) of the Advertising Standards Code.

Were the advertisements socially responsible?

In making a ruling on whether Principle 1 of the Advertising Standards Code had been breached, the Complaints Board noted the following statement from the Interpretation section of the Code.

“Social responsibility in advertising is embodied in the Principles and Rules of the Code. In interpreting the Code, emphasis must be placed on compliance with both the spirit and intention of the Code. It is possible for advertising to be in breach of one or more of the Principles in the Code without being in breach of a specific Rule.”

The Complaints Board noted 56 complaints had been received about these advertisements which signalled the level of concern in the community about this advertising.

The Complaints Board agreed the advertisements and the unrestricted distribution via letterboxes was not socially responsible. This is because the advertisements were misleading.

The Board also noted the requirement in Principle 1, to observe a due sense of social responsibility to consumers and to society. This required a consideration of the rights of the whole population of New Zealand rather than just the rights of the individual.

Were the advertisements offensive, did they cause fear or distress without justification, or did they undermine the health and well-being of individuals?

The Complaints Board agreed it was not necessary to consider the complaints under Rules 1(c), Rule 1(g) or Rule 1(h) as the relevant concerns had already been covered under Principle 1, that the advertisements were not socially responsible.

In Summary

The Complaints Board said the advertisements were misleading and not socially responsible, taking into account context, medium, audience and product and were in breach of Principle 1 and Principle 2, and Rules 2(b), and 2(f) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaints were **Upheld**.

Advertisements not to be used again.

APPEAL INFORMATION: According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website, www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.

APPENDICES

1. Complaints
2. Response from Advertiser

Appendix 1

COMPLAINTS

There were 56 complaints about these advertisements:

Complaint 1

Hello, on Monday, 22 Nov we found this content in our letterbox - it is disturbing and not nice for our kids to find when normally going to the mailbox is a fun lockdown activity. Each statement omits the full medical context and are instead written to be alarming, raise concern and mistrust of extremely important public health advice. I.e. '...vaccine does NOT prevent...' yes we know, but if they say this, they should be obligated to message the benefits of the vaccines, reduced transmission, reduced symptoms, reduced risk of hospitalisation. These comms put our communities at risk. They are appalling and they should face repercussions for distributing such irresponsible messaging - they can keep it to their own channels.

Complaint 2

I am writing to share my concerns in regard to the latest leaflets that has been dropped in my mailbox by Vices of Freedom. Aside from the half-truths and the cherry picking of facts from legitimate websites and sources without an explanation of the conditions under which those statements have been made, the following are a list of items from their two latest leaflet that are blatantly wrong. The claim that the Pfizer vaccine is experimental and in clinical trials – this is incorrect. The vaccine is not in the experimental stages and had passed the required certifications in several countries. The claim that the Pfizer vaccine is gene therapy is incorrect - Gene therapy, in the classical sense, involves making deliberate changes to a patient's DNA to treat or cure them. mRNA vaccines will not enter a cell's nucleus that houses your DNA genome. The risks to healthy children outweigh the benefits. The source for this claim is the JCVI UK. The JCVI UK did not make this statement. They state "Overall, the committee is of the opinion that the benefits from vaccination are marginally greater than the potential known harms" The committee recommends one dose. Masks have been shown to cause hypoxia and mask wearing does not reduce the SARS-Cov2 infection rates – This statement neglects to consider the appropriate usage and types of masks as recommended. The medical fraternity have been wearing masks for decades without a loss of oxygen to the brain, The leaflet claims that the ASA states that six statements were adequately substantiated – this is incorrect as the complaints were largely upheld.

Complaint 3

Good Morning, Today our household received this deceiving personalised letter, that was in fact marketing material. My complaint to the Advertising Standards authority is about the contents of the two brochures. They are factually incorrect, are of a fear-mongering nature, and have been delivered deceitfully to households in the guise of personalised mail. Is there something the ASA can do to stop this organisation from doing this again?

Complaint 4

These guys are using your ASA tick to support not wearing masks and to advocate against vaccinating children - is this misinformation how do we know this Is a reliable data source and they are using your name which does concern me because it would appear legitimate

Complaint 5

Received this in the mail today. Out of the six statements that it claims have been "adequately substantiated by ASA" I checked online I could not find any information to back the claims, instead lots of articles that said the information was "debunked" or had "no evidence of" and a VERY lengthy collection of studies article from the PNAS (Proceedings of the National Academy of Sciences of the United States of America) has found the complete opposite to be true. The only point - that cannot be substantiated - that may have any use is the point that face masks (more likely disposable) will pollute oceans. Although reusable masks are not mentioned which are too heavy to blow into drains or off faces to do so and to predict a number is not researchable and wholly emotive. If you are sanctioning such advertising I find it a threat to National health.

Complaint 6

This leaflet was addressed "to the householder" and delivered via DX Mail on 24 Nov 2021. It contains numerous false statements, as well as a claim that they have your blessing and that their misinformation could continue to be spread under the guise of "advocacy". (Note the seal of approval, in your name, in one photo.) Specifically they make claims that: -mask wearing doesn't reduce spread of COVID-19 -masks will cause hypoxia -Pfizer's Covid vaccine is "experimental gene therapy" -reactions are common and serious adverse events are effecting people -comparing Covid to a "mild flu-like illness" They also use inflammatory language, only use stats when it suits them (and not when it shows minuscule odds of adverse effects of vaccines that they want to artificially inflate the fear of. Their purpose is to encourage people to oppose a life-saving vaccine and also to encourage the unvaccinated to apply for "mask exemptions", both of which are incredibly dangerous to all New Zealanders, vaccinated and unable to be vaccinated. (Particularly those who are vaccinated and remain at a high risk.) Lastly, they give a number of statistics and appear to be quoting studies, but don't cite sources, giving the impression what they are stating is fact when it is not. I'm sure mine won't be the only complaint about this group that is actively and aggressively spreading misinformation. I look forward to hearing the next steps that will be taken to stop this dangerous campaign.

Complaint 7

This dangerous brochure is spreading misleading, incomplete, biased, and unreferenced information regarding mask wearing and the Covid-19 vaccination for children. It has the potential to cause very real harm to public health in the middle of an unprecedented pandemic. It is unsolicited and offensive.

Complaint 8

The brochure is completely misleading around almost all of it's claims. Mask wearing does prevent infection Mask wearing does prevent viral particles from passing through masks there is nothing i can find that states 98% of viral particles may pass through cloth masks. On the common questions page. a "significant number of serious side effects" that's purely not true. Neither the word significant or serious applies in this statement. This is scaremongering and irresponsible.

Complaint 9

Hi there. I'd like to report two addressed pamphlets delivered today, the 25th November 2021, to Mount Albert, by Voices for Freedom. There were two double-sided pamphlets (I can only select one attachment in this form): 1. "Going to Wear that mask all summer?" followed by selective interpretation of mask wearing in relation to covid-19. There are no references listed for the claims either, so the recipients are not able to easily substantiate the claims. 2. "You can't take it back...once they're jabbed" followed by "Did they tell you?". Then we see information such as: Pfizer's Covid-19 Vaccine is an experimental gene therapy still in clinical trials. This is clearly false and alarmist, combined with a picture of a scared looking child. The vaccine is not experimental gene therapy. It's easily busted by checking facts, and again, the source is not cited on the pamphlet. Instead you need to go to their website (and risk being

further upset or misinformed). I busted the experimental gene therapy claim in a two second web search which brought up multiple sources to refute this claim; here is one: <https://www.genomicseducation.hee.nhs.uk/blog/why-mrna-vaccines-arent-gene-therapies/> The website that the pamphlets lead you to by the QR code is: [voicesforfreedom.co.nz](https://www.voicesforfreedom.co.nz) At the very least, they need to be able to accurately reference (such as in an academic paper) their claims, so that recipients can do their own fact checking. They don't, because they know most people will not dive into a Lancet article and read the whole piece in context. This advertising directs inhibits our public health response by targeting people for Voices for Freedom's political gain.

Complaint 10

Covid vaccine misinformation Fear mongering Public endangerment Intentionally misleading regarding covid vaccine and mask wearing

Complaint 11

I received the attached pamphlets in a "to the householder" letter in my mail box. I am concerned that: * These are promoting misinformation and encourage vaccine hesitancy, and discourage mask use to protect oneself and other. This is especially egregious and offensive during a global pandemic when over 5 million people have died worldwide from COVID-19. * This pamphlet states that their claims are substantiated by the Advertising Standards Authority. There are several complaints in your database which show that claims against them have been upheld in the past, so I feel this statement is misleading. * This pamphlet claims that mask wearing does not help reduce COVID-19 infection rates. There is a lot of evidence to contradict that, for example a recent article in the Proceedings of the Academy of Sciences found "The preponderance of evidence indicates that mask wearing reduces transmissibility". <https://www.pnas.org/content/118/4/e2014564118> * This pamphlet claims that adverse reactions to the Pfizer vaccine are common. While reactions are common (fever etc), severe reactions with permanent side effect are rare. Their statement is misleading, and will encourage vaccine hesitancy. Specifically the claim regarding a "significant number of serious side effects". This is unsubstantiated, and they offer no citations to back up these claims. * This pamphlet claims that the Pfizer vaccine is an experimental gene therapy. This is incorrect. RNA vaccines are not gene therapy, and do not permanently alter a person's genetics. This claim is misleading, and fearmongering, and will encourage vaccine hesitancy, which will ultimately cause people to die from COVID. * This pamphlet contains many statements which are fear mongering in nature, designed to cause vaccine hesitancy with respect to vaccinating children. Vaccinating children is important to stop onward transmission of COVID in the community. * This pamphlet states that the "vaccine does NOT prevent a person from catching or passing on SARS-CoV-2 virus". While this is technically true, they neglect to state that a vaccinated person is much less likely to contract and pass on COVID-19 to other people, and that the rate of hospitalization and death is greatly reduced in vaccinated people. This statement could be misinterpreted to suggest that vaccination isn't worthwhile, and that is untrue. As can be clearly seen by the stabilization of case numbers here in NZ as our vaccination rates have risen, vaccination is a key tool in reducing transmission of COVID-19 in a community. We can also see that the number of unvaccinated people in hospital with COVID-19 is much higher than the relative number of unvaccinated people in the community, clearly showing that the vaccine helps reduce the seriousness of COVID-19.

Complaint 12

This seems to me to be saying the ASA signed off or sanctioned the statements (eg, Mask wearing does not reduce infection rates; COVID particles are easily pass through mask fibres, masks are shown to cause hypoxia). They've used weasel words to indicate the strength of their messaging, when in actual fact "adequate substantiation" is likely to be the bare minimum, disputable source. I find this whole campaign misleading and am annoyed they cannot be held to account.

Complaint 13

2 leaflets attached not very educational

Complaint 14

I received this in my letterbox despite notice for no junk Mail. It is factual inaccurate, purposely misrepresents information, uses innuendo and scare tactics.

Complaint 15

Dear ASA, I received the following flyer: <https://www.voicesforfreedom.co.nz/mask-facts> The flyer contains a list of six statements posed as facts that relate to mask wearing in relation to the covid-19 pandemic. The flyer asserts these as facts. Four of these statements are untrue; the two which are true relate to mask related pollution and the availability of mask exemptions for those with physical or mental health illnesses. I believe this flyer breaches both Principle 1 & 2 of the Advertising Standards Code: Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society. Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading. A previous flyer with the same statements was been circulated earlier in 2021 and received a number of complaints. This current flyer uses the decision by the ASA in August 2021 (complaint number 21/318) to persuade the recipient that these statement are true. The decision 21/318 concludes "the statements made in the advertisement had been adequately substantiated". The Voices for Freedom have used this decision to provide legitimacy to these incorrect statements, which in the context of the covid-19 pandemic may in turn adversely affect the health on New Zealanders. I urge the ASA to review this current flyer and the previous decision. Surely the source of accurate public health messaging in NZ should be from the Ministry of Health. There is clear and objective evidence that these statements are factually inaccurate - the publications put forward for review by the ASA as part of decision 21/318 represent highly selected data that does not represent the sum of the scientific literature on this topic. It is disingenuous for The Voices for Freedom to frame their position as one of providing full information or freedom of speech.

Complaint 16

Anti Mask flyer, making misleading claims about masks, such as "Typical mask wearing dose not reduce SARS-Cov-2 infection rates (covid-19)." Includes a logo saying "All Claims Substantiated", a tick, and "A.S.A."

Complaint 17

Direct mail to house. Others have clearly complained about this group before, but they persist. Fear mongering, perpetuation of falsehoods about public health data. I can go through and list all the falsehoods if you would like, but I suspect you already have a comprehensive list.

Complaint 18

Very dangerous right now to twist information to suit an agenda

Complaint 19

This leaflet makes a number of serious health claims and overall suggests that children shouldn't be vaccinated. I think all the claims made in this brochure need to be substantiated, not just the six statements listed from a prior complaint. I think the whole brochure is misleading and will confuse people from getting proper health advice. The small disclaimer at the bottom had to be searched out and doesn't alter this message. The final page also has a circle tick saying 'all claims substantiated ASA' that makes it look like the ASA is endorsing or certifying this pamphlet. I think this is confusing and will make people think this is official ASA communication, or that the whole brochure has been checked, rather than just these few claims.

Complaint 20

We received unsolicited anti-vax anti-mask pamphlets in the mail today. I wish to complain about these as political broadcasts, which are missing the vital promoter statement, ie: details of who authorised them. These pamphlets do not advise who specifically is behind them and when you go online to the website they require you to sign-up.

Complaint 21

Statements are misleading propaganda. They are inflammatory and deliberately deceptive. The claim of being endorsed by the ASA is designed to falsely add credibility.

Complaint 22

In addition to other dubious claims this flyer suggests that mask wearing causes hypoxia. This it's compeltly false. Please see the following research article for context (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7904135>). This flyer also has a 'all claims ASA substantiated' tick implying that the ASA has determined that all statements in this flyer are substantiated and true according to the ASA. This is both incorrect (or at least I bloody well hope so) and misleading.

Complaint 23

We received a flyer from Voices For Freedom on 30 November 2021 that contains false and misleading information. They state that mask wearing does not reduce COVID-19 infection rates. This is false information as evidenced by the recent meta-study conducted by the BMJ (<https://www.bmj.com/content/375/bmj2021-068302>). They state that viral particles are tiny and can pass through mask fibres. This is misleading - masks reduce infection rates and it is not claimed that they do more than reduce the spread of COVID (<https://covid19.govt.nz/health-andwellbeing/protect-yourself-and-others-from-covid-19/wear-a-face-covering/>). They state that up to 98% of viral particles may pass through cloth masks. This is misleading and they do not offer any evidence of the claim. There is also an implication that the ASA has not found their advertising false or misleading (as at August 2021). This statement by VFF is designed to reduce the likelihood that others will complain about their advertising and also to lend credibility to their misinformation. This is unethical.

Complaint 24

I received 3 brochures containing misleading and incorrect claims about Covid 19. I find this abhorant as it is likely to cause community harm by misleading vulnerable people.

Complaint 25

Our family has received the attached flyers in our mailbox on 30 November 2021. My complaints about this flyer are as follows

- It is written in a style of emotive propaganda. As advocacy, I assume this is allowed, but in the context of this advertisement, the language is inciting civil disobedience against COVID-19 Public Health Response Orders which are government law. In a time of national crisis when the health of wider society relies on people following laws and guidance provided by the government and based on proven scientific advice, inciting civil disobedience against these laws is at best deeply unethical and possibly seditious.
- The larger flyer 'Going to wear that mask all summer?' again follows the same pattern, creating uncertainty and doubt in the readers mind intending to make them more susceptible to the false facts that follow.
- On this flyer 4 of the 6 presented facts are either false or misleading. 'Typical mask wearing does not reduce SARS-CoV-2 infection rates' is demonstrably false. 'SARS-CoV-2 viral particles are tiny and can easily pass through mask fibres', 'Up to 98% of viral particles may pass through cloth masks' and 'Masks have been shown to cause hypoxia' are all carefully worded to be theoretically true. However, when viewed in the wider context of the two leaflets being delivered and read together the effect is to attempt to mislead and persuade the reader into thinking masks are ineffective and that they should stop wearing them.

- The final statement on the first page of the flyer, 'A mask exemption is available to anyone with a physical or mental illness...' in conjunction with the back page of this second flyer which shows a clause from a COVID-19 Public Health Response Order, when taken in the larger context of both leaflets seems to be intended to incite people into not wear masks and think they have a legal exemption to do so. For example a person with asthma may then stop wearing a mask because of the overall messaging in the leaflets, and feel that they can do so legally due to the exemption cited in the leaflet.

- This second leaflet also cites an A.S.A compliant decision from August 2021 which I could not find when searching the A.S.A website. Overall my view is that this advertisement demonstrates the same themes as the one from the same organisation earlier this year which was the subject of multiple complaints in May 2021. The decision of the A.S.A at the time was that the complaints were partially upheld and the advertising was to be halted. Voices for Freedom has not only disregarded that decision and continued the advertising the same theme, but also increased the attempted outcome of the advertising - inciting civil disobedience by trying to get people to stop wearing masks in contravention of Covid-19 Public Health Response Orders. This behaviour is not only unethical and misleading but potentially has consequences with real-world impacts. It is easy to imagine a scenario where an elderly vulnerable person who is feeling isolated as a result of the long lockdown in Auckland decides to stop wearing a mask as they feel it makes it difficult to breathe. This person then catches Covid and dies. Given the seriousness of this situation, I feel the ASA should use any powers where possible to prevent Voices For Freedom from advertising in the future.

Complaint 26

The attached were received as unsolicited mail addressed to the 'Householder' at my residential address. The attached make several unsubstantiated claims relating the clinical performance benefits and technical specifications of masks, worn to reduce the risk of COVID transmission. The materials reference that 'all claims substantiated' by the ASA. I have reviewed the materials, as well as ASA public disclosures to identify the supporting scientific/clinical literature that has been used to substantiate these claims. I have found none. As the ASA appears to have verified these claims, please advise. Bringing this matter to the attention of the ASA as it appears (at least to the untrained eye) that the ASA is endorsing claims made in these materials.

Complaint 27

Not welcome in my letter box which says Addressed Mail only. Promoting unsubstantiated ideas

Complaint 28

Twits spouting nonsense

Complaint 29

this disinformation brochure includes the Advertising Standards Authority tick of approval. the claims in this brochure are factually incorrect and ASA should not be supporting anti-vax and anti-science disinformation campaigns. what is the point of the ASA if not to address deliberate disinformation in advertising?

Complaint 30

misleading information, that is a danger to public health

Complaint 31

I am a medical doctor and am appalled that the Advertising Standards Authority have substantiated the false claims made by Voices for Freedom in the attached pamphlet. Mask wearing does reduce infection and reduces viral passage, masks do not cause hypoxia and very few people are eligible for mask exemptions.

Complaint 32

More dangerous misinformation from VFF - and unbelievably disappointing that it is endorsed by the ASA who have not investigated any of the facts substantially or fairly with credible or verified sources & are putting people's health & wellbeing at risk In addition they are illegally putting these offensive leaflets in my letterbox which clearly displays a no junk mail sign.

Complaint 33

Information is not aligned with the MoH guidance on the benefits of masks. It may lead people to stop wearing masks with the wider loss of community level protection. There is strong global evidence of their value in reducing transmission, e.g. a recent controlled study in Bangladesh <https://theconversation.com/evidence-shows-that-yes-masks-prevent-covid-19-and-surgical-masks-are-the-way-to-go-167963> Apparently you approved these statements as not misleading. It is possible that each statement in isolation can be verified. For instance that "typical mask wearing does not reduce rates" (if typically they mean worn incorrectly). However, "typical" is not defined. It also does not disprove that if a good mask is worn well that rates are reduced. Someone with limited critical thinking skills (a large number) will therefore draw the wrong conclusion from the statement. Also the statements need to be considered in totality.

Complaint 34

Pamphlet contains a toxic mix of misinformation and disinformation with serious consequences, including: undermining of public health; incitement to breach public health regulations; promoting dangerous and potentially fatal behaviours; confusing the public into harmful behaviours; eroding confidence in the Advertising Standards Authority; misleading the public into believing the ASA judged the pamphlet to be accurate and informative.

Complaint 35

1. This is dangerous disinformation. There's plenty of evidence that masks help to reduce the risk of catching and passing on Covid-19 2. ASA should not be endorsing this nonsense. It's really irresponsible.

Complaint 36

I am very disappointed to have received two Voices for Freedom pamphlets in my letter box that push debunked theories, but even more so that these falsehoods have been signed off by the Advertising Standards Authority. This sort of validation legitimises the group to continue to spread their idiocy throughout the country.

I have to wonder how carefully these claims were examined by the authority when they haven't been substantiated by reputable voices.

I see that the ASA says: "Statements presented as facts need to be adequately supported" - but it's clear that they aren't supported by trustworthy sources.

I realise that the horse has bolted in this case, in that thousands of New Zealanders will already have received this tripe, but at this time of dealing with the pandemic and all the associated difficulties, having our watchdog authority appear to give credence to this conspiracy group is just so depressing.

Complaint 37

The first point is false. This is the largest study of 350,000 people regarding mask wearing. Also NZ's own covid website promotes mask wearing due to reduction in transmission. <https://www.globalhealthnow.org/2021-09/qa-massive-bangladesh-mask-trial-unmasked> The second and third point is disingenuous and out of context. Of course a wide weave mask will let through particles whereas a three layer cotton one won't, or a N95. Some masks are not as good as others that are recommended by our health department. The writers claim the statements are not misleading but they are either false, unproven, simplistic and do not

provide context. Promoting this false narrative that mask wearing is not effective and how to avoid it puts themselves and vulnerable people at greater risk of contacting covid.

Complaint 38

The leaflets were posted through my door. These have misleading and untrue "facts". These leaflets have a misleading effect on public health crisis management.

Complaint 39

I received a pamphlet in my postbox today from Voices for Freedom. I noticed the information was incorrect - as face mask wearing does reduce spread of SARs-CoV 2 and this recommendation has a strong evidence base which has lead to mask wearing being mandated in NZ. The other information in this leaflet was questionable and misleading and poses a danger as it increases the likelihood of SARS-CoV2 spread. As an Allied Health Professional I was shocked that these claims had the ASA approval and suggest you review your policies.

Complaint 40

I received these pamphlets in my clearly marked addressed mail only letterbox. They seem to insit that the statements are endorsed and approved by the ASA. The points may be individually correct but together paint a very incorrect picture.

Complaint 41

I was offended and distressed by advertising material delivered to my letterbox this week from "voices for freedom" - 3 double sided colour flyers. They have presented convincingly packaged misinformation designed to mislead consumers about preventing, testing for and treating Covid-19 and attempt to cast doubt on important public health and safety measures. This material undermines the ability of consumers who may rely on it to make an informed decision. A decision cannot be an informed one if you are making it on the basis of untruths. In addition the material incites consumers to disregard information from trustworthy sources such as health authorities and avoid public health measures such as vaccination, mask wearing and getting tested. Although the information contained in this advertising fails to meet a reasonable person standard for factual information and does not stand up to any level of scrutiny or fact checking, inexplicably the ASA appears to have endorsed the information as substantiated. The group has highlighted this on their material in order to give it the illusion of legitimacy. I am the mother of an 1 1 year old with a genetic condition involving heart defects that likely means that he is more vulnerable to this virus. He is not yet eligible to be vaccinated so is relying on friends, family, teachers and neighbours to be vaccinated and comply with public health measures to keep the virus away from him. This matter is not just an academic exercise, trusting our medical professionals and our vaccination programme will save lives in these extraordinary times. Despite the group's name this material does not promote freedom or autonomy, instead it undermines it in an insidious manner.

Complaint 42

Obviously this is hugely harmful misinformation, which shouldn't be advertised at all, but the recklessness of advertising in the midst of a global pandemic seems criminal. Many of these claims are demonstrably false, I'm concerned about the advertising standards authority condemning this, and adding credibility to a hugely damaging source of misinformation.

Complaint 43

Misleading information. Typical mask wearing cannot be defined as they're are a large range of mask types and what is typi al for one person is not typical for another.

Complaint 44

The attached pamphlets were delivered unsolicited to my mailbox. They contain a lot of

single data points designed to misleadingly accentuate their biased and incorrect perspective — for example "Masks have been shown to cause hypoxia" ignores the fact that "There is no evidence that this decrease in oxygenation is clinically significant."

(<https://clinicaltrials.gov/ct2/show/NCT04670484>). "Reactions to the vaccine are common and serious adverse events are having devastating, and likely life-long, effects" — this strongly insinuates that serious adverse events are common, they are not. They quote a Lancet article directly, stating "the vaccine's effect on reducing transmission is minimal" but omit the very next sentence of the article which concludes that therefore "higher vaccination coverage rates need to be achieved." They also contain some patently false statements, including: "Typical mask wearing does not reduce SARS-CoV-2 infection rates". FALSE. There is an abundance of scientific material to the contrary (e.g.

https://gh.bmj.com/content/5/5/e002794?ijkey=82e6ec695a26fb3a151b4e8b0a03755a95255bcc&keytype2=tf_ipsecsha) "Pfizer's 'COVID-19 Vaccine' is an experimental gene therapy" FALSE This cherry picking of convenient single points of data without context, omission of relevant details, sprinkled with a couple of well chosen false statements, pushed into letterboxes as some kind of awful misguided health advice, during a global pandemic, will result in poor health outcomes for anyone lacking the critical thinking skills to dissect, compare and contrast with other sources, match with fuller facts and details, and recognise it for the nonsense it is. These people are spreading dangerous propaganda under the guise of health advice and if it's not illegal it damn well should be.

Complaint 45

Hi there, I received this flyer in my mailbox. I'm sure you have plenty of complaints about it already. This is Covid misinformation and the fact that the ASA gave permission for the lunatics at Voice for Freedom to publish this is infuriating. Pretty much all of these 'facts' can be debunked if you read any science behind these statements.

Complaint 46

The attached brochure from the Voices for Freedom has several claims about mask wearing and their lack of effectiveness. It also states that all claims have been substantiated by the Advertising Standards Authority. This would require that claims are substantiated by evidence. They refer you to their website that has research articles that they purport support their claims. My comments, on the two attached Word documents, explain why the articles do not support their claims and so I wonder why they state that all claims are substantiated by ASA. My complaint is that their claims are unsubstantiated and that they should not be able to claim support from ASA.

[Comments as below]

Masks, Covid and Misinformation

A pamphlet arrived in our letterbox from "Voices for Freedom", headed "Going to wear that mask all Summer?" Their first claim is "*Typical mask wearing does not reduce SARS-CoV-2 infection rates (COVID-19)*". It bases this on a Journal Article from the Annals of Internal Medicine <https://www.acpjournals.org/doi/10.7326/M20-6817>. In this Danish study 3030 participants wore masks when not at home and 2994 did not wear masks. A few quotes from the Journal article will be sufficient to show that the claim on the pamphlet is misinformation.

First quote:

"The findings, however, should not be used to conclude that a recommendation for everyone to wear masks in the community would not be effective in reducing SARS-CoV-2 infections, because the trial did not test the role of masks in source control of SARS-CoV-2 infection."

This study assessed if the participants contracted Covid-19 if they wore masks when the population did not wear masks, it did not assess if the population would catch Covid-19 from an infected person wearing a mask.

Second Quote:

“During the study period, authorities did not recommend face mask use outside hospital settings and mask use was rare in community settings. This means that study participants’ exposure was overwhelmingly to persons not wearing masks.”

So this study has nothing to say about possible transmission if participants and population are both wearing masks.

Third quote:

“Yet, the findings were inconclusive and cannot definitively exclude a 46% reduction to a 23% increase in infection of mask wearers in such a setting.”

An experiment where the results are inconclusive is hardly the basis for making a claim, as on the circulated brochure, that “Typical mask wearing does not reduce SARS-CoV-2 infection rates (COVID-19)”. The writers say that *despite the comments quoted above from their paper, some have misinterpreted their results and unfortunately, made conclusions to questions that were not addressed by their study!*

Note that the participants were asked to wear the masks when not at home. Participants may have been infected at home from asymptomatic members of their households. The authors acknowledge this in their answers to comments. In NZ we know that much transmission of COVID-19 has been within households.

Because of the incubation period of COVID-19, the incidences in the first two weeks may have been caused by exposures prior to the intervention. This is a design fault of the study, and adds another cause for caution. The authors acknowledge many limitations in their study: *“Inconclusive results, missing data, variable adherence, patient-reported findings on home tests, no blinding, and no assessment of whether masks could decrease disease transmission from mask wearers to others.”*

I suspect most people who receive the pamphlet will not go to the website and read the studies purporting to justify the claims. The length of the articles, the scientific jargon and the statistical results will deter most. So the claims will go unchallenged. This means that many will be deceived by brochures and posts like this and the misinformation will be spread.

This is further comment on a pamphlet that arrived in our letterbox from “Voices for Freedom”, headed “Going to wear that mask all Summer?” Their **second claim** is that *“SARS-CoV-2 viral particles are tiny and can easily pass through mask fibres.”* Before I comment on the articles that they supply to justify this claim, I will summarise an article published in the International Journal of Environmental Research and Public Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7579175/> . Its title is:

Minimum Sizes of Respiratory Particles Carrying SARS-CoV-2 and the Possibility of Aerosol Generation. Based on the average ratio of virus in the oral fluid of COVID-19 patients the minimum size of aerosol containing a virus is approximately 4.7 µm, i.e. 4700 nm. Particles this size will remain suspended in the air for dozens of minutes. The particle size may decrease if the humidity is not too high. Studies that measured the size of aerosol particles generated by patients gave particles ranging from 1.6 to 145 µm in one study, 0.35 – 9 µm in a second and 0.1 to 10 µm in a third. The larger particles 145 µm do not remain suspended more than a few seconds.

The pamphlet website offers three articles to support the second claim. The first is <https://pubmed.ncbi.nlm.nih.gov/16490606/> . This tests N95 masks and surgical masks by using a non-harmful virus in the particle size range 10 to 80 nm and found that the Respirators exceeded the expected penetration level of 5% and the two types of surgical masks showed penetration levels 20.5% and 84.5% respectively. Only the Abstract of this paper is given so little detail is available. Since aerosols containing COVID-19 are likely to be of the order of 100s or 1000s of nm, a study that uses particles of up to 80 nm is not useful evidence of ineffective masks.

The second and third articles quoted <https://onlinelibrary.wiley.com/doi/epdf/10.1111/jebm.12381> and <https://pubmed.ncbi.nlm.nih.gov/31479137/> have similar goals. They seek to test whether N95 Respirators and medical masks are equally effective in prevention of influenza and other viral respiratory infections. They have similar conclusions “*The use of N95 respirators compared with surgical masks is not associated with a lower risk of laboratory-confirmed influenza. It suggests that N95 respirators should not be recommended for general public and nonhigh-risk medical staff those are not in close contact with influenza patients or suspected patients.*” The study does not show the masks are ineffective, it shows that the N95 mask is not more effective than the surgical mask, and that the N95 is often badly fitted and so is not recommended for the general public. This is irrelevant to the claim made in the pamphlet and so none of the articles presented support the claim made in the pamphlet, more misinformation.

The **third claim** is that *up to 98% of viral particles may pass through cloth masks*. I have no problem with this. This is not talking about surgical masks that the majority of us use. The article they supply <https://academic.oup.com/annweh/article/54/7/789/202744> uses T-shirts, towels, scarves, and cloth masks which they compared with N95 filter material. Their results state “*Average penetration levels for the three different cloth masks were between 74 and 90%, while N95 filter media controls showed 0.12% at 5.5 cm s⁻¹ face velocity (Fig. 1). The penetration levels increased significantly for the N95 control filter media but remained <5% , while none of the fabric materials showed any significant increase at 16.5 cm s⁻¹ face velocity.*” It is not surprising that some of these materials are ineffective as filters, but the point of interest is that the N95 material was very effective using particles of sizes 20 – 1000 nm, **contradicting their second claim**. This is consistent with the recent Kiwi advice against using cloth masks, in favour of surgical masks.

Am I going to wear a mask this summer? Definitely when indoors with others. There is strong evidence that surgical masks block aerosols containing COVID-19. I do this to protect myself and those around me, especially children and others who are not yet vaccinated.

Complaint 47

These have been distributed around our area in postboxes, including those marked no circulars. They are misleading, and also quote a complaint decision made supposedly by the ASA, but does not give details that can be traced. These leaflets are anti vaccine and anti mask and could be taken at face value. Although lots of quotes are made, again there's no way to check that info.

Complaint 48

Voice for freedom misleading information pamphlets in my letter box. They are now advertising they have your tick of approval. This is a joke and so is the advertising standards authority if this is correct.

Complaint 49

This is from the Voices for Freedom pamphlets that you have given the standards tick they are one of the worst spreaders of COVID-19 disinformation in Aotearoa.

Complaint 50

In my letter box tonight was the information attached the first one which had your name on the front and the government logo on the back. The other page was tucked in behind the first saying you can't take it back with a lot of false claims. How dare they scare parents in this manner looking official when I am sure the second page was not approved by the ASA. I find this offensive with false information to scare people

Complaint 51

I received these pamphlets in my letterbox this week. Voices For Freedom have been outspoken critics of the government's approach to managing the COVID pandemic, but are now circulating pieces of propaganda that are clearly aimed at manipulating vulnerable populations. Inflammatory statements such as "Discover the Truth They Don't Want You to Know" are clearly inflammatory and misleading. False and misleading claims regarding alternative therapies for COVID are mentioned (Ivermectin, for one, has been studied and deemed ineffective in the treatment of COVID), and making statements regarding viral particles being able to pass through masks is also misleading; the COVID-19 virus is droplet spread, and masks (particularly surgical masks) are effective at trapping droplets. Their small disclaimer at the bottom "The information on this leaflet is educational only and does not constitute medical or legal advice" is a cynical attempt to absolve themselves of responsibility. I do not believe this disclaimed suffices to render the false information contained on these pamphlets acceptable.

Complaint 52

Claiming ASA found to be not misleading.eg first point mask wearing does not reduce infection rates

Complaint 53

Contains a seal purporting to be of A.S.A , checked by phone call 14th with your organisation.

Contains a misleading heading that could indicate that it is an official Government document by reproducing the Government Seal with the Public Health Response Order No.12

Complaint 54

Covid Misinformation being distributed, promotion misinformation and factually inaccurate details.

Complaint 55

Brochure giving medical misinformation that is set out to look like an official that New Zealand Health document Also they misspelled "freedumb"

Complaint 56

Hello There is (although this shouldn't require clarification) a comprehensive data set and proof that Covid precautions are more effective than none, and that the mRNA vaccine is an effective and safe social policy to prevent the spread of a potentially fatal or debilitating virus that is currently widespread overseas. Voices for Freedom is run by an active anti-vaxxer/Covid conspiracy theorist called Claire Deeks, the person has contributed to fringe and discredited conspiracy channels (Odysee, others) and has a history of printing and publishing fake claims about vaccines and Covid-19 in general. For unknown reasons, this person has a mass produced leaflet drop that has appeared at the homes of friends and family members. The points on this leaflet are factually incorrect, yet claim to have a stamp of approval from the ASA as scientifically proven or sound in some way. They are not.

Please discuss this with your team and also contact the person and take action against their disinformation narrative.

Appendix 2

RESPONSE FROM ADVERTISER, VOICES FOR FREEDOM

RE: Voices For Freedom

www.voicesforfreedom.co.nz/mask-facts

Complaint 21/539

1. We understand the Advertising Standards Association ("**the ASA**") has received certain complaints concerning our flyer entitled "Going To Wear That All Summer?" Flyer ("**the Summer Mask Flyer**" / "**the Flyer**").
2. The complaints have been accepted for consideration by the Advertising Standards Complaints Board ("**the Board**") and that the Board will make a decision on the complaint with reference to your Advertising Standards Code ("**the Code**").
3. We have been directed that the following sections of the Code are relevant to this complaint: Principle 1, Principle 2 – namely Rule 1(c), Rule 1(g), Rule 1(h), Rule 2(b) and Rule 2(e) and Rule 2(f).
4. We also understand that the Board does not have enforcement powers to sanction any advertiser/advertising but rather maintains relationships with various media and advertising outlets/distributors. It can approach them to ask for their cooperation in enforcing its rulings.
5. On the other hand, where advertising is carried out through other means, such as is the case with this flyer, the Board cannot enforce its own rulings, notwithstanding the various relationships maintained.

OVERVIEW

6. Voices for Freedom is an independent, not-for-profit, grassroots organisation founded in December 2020 and stands for honesty, sound science, true government transparency, a proper health response and the freedom for New Zealanders to choose what is right. We are especially concerned at this time with protecting medical freedom and freedom of speech.
7. The Summer Mask Flyer is an educational publication. Its publication and distribution provide a service to the public, assisting them as it does as part of

their informed consent decision-making process by providing information they probably did not know as indicated by subtitle “Did You Know?”.

8. The Summer Mask Flyer is substantially a reprint of our mask flyer which was the subject of ASA case 21/318 (“**the Original Mask Flyer**”).
9. As at time of writing this response over 1,000,000 Summer Mask Flyers have been printed and distributed throughout New Zealand. In this context, the number of complaints received to date is very low. And this is despite various media reporting on the ability to complain, effectively amounting to a nationwide call for further complaints.
10. Each of the six statements set out on the Summer Mask Flyer is backed up by information available to the public and which representative information is available through statements or via links on our website at www.VoicesForFreedom.co.nz and more specifically at www.voicesforfreedom.co.nz/mask-facts.
11. Furthermore, as you will be aware, these six statements are identical to the six claims in the Original Mask Flyer. In that case your Complaints Board agreed in August 2021 that “*none the six statements made in the advertisement were misleading, because they had been adequately substantiated in the context of advocacy advertising*”. This finding is a fact which we have referenced on the Summer Mask Flyer alongside the six points.
12. The Summer Mask Flyer does not constitute a breach of the Code for above reasons and for reasons further elaborated upon below.

SUMMARY OF OUR RESPONSE

13. For ease of reference, we set out here a summary of our responses as grouped, according to the various parts of the Code that you have advised are relevant.
 - a. **The Summer Mask Flyer does not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule. [Principle 1: Rule 1(c)].** The Summer Mask Flyer is designed to engage readers to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether

“mandatory” coverings on public transport and domestic flights are “the right solution”.

- b. **The Summer Mask Flyer does not cause fear or distress without justification. [Principle 1: Rule 1(g)].** Again, the Summer Mask Flyer is designed to engage readers to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings in certain situations² including public transport and domestic flights are “the right solution”. Any feelings as referenced are justified given the potentially negative ramifications and importance of ensuring that people are fully informed and educated to make a fully informed decision on whether to wear a mask or not.
- c. **The Summer Mask Flyer does not undermine the health and wellbeing of individuals. [Principle 1: Rule 1(h)].** Full knowledge of the pros and cons of the mask wearing enables individuals to decide what risks they wish to take and the best health outcome for them.
- d. **The Summer Mask Flyer does not mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge. [Principle 2: Rule 2(b)]** It is not an objective of the Summer Mask Flyer to provide a balanced reporting overview of the pros and cons of mask wearing. As clearly stated on the Flyer, it's about asking them to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings in certain situations including on public transport and domestic flights are “the right solution”. There is also information provided about the exemptions allowed for under NZ law which are purposefully drafted very broadly whilst rarely being spoken about.

The Summer Mask Flyer does not have space to print every single URL to references for claims made, and nor would this be a satisfactory solution in any case. Instead, the Flyer features a QR code that takes the reader to the claims' source. There is also a link provided www.voicesforfreedom.co.nz/mask-facts on both sides of the Flyer which likewise takes the reader to the reference materials.

² “Certain situations” is now much broader and more complicated than was previously the case when our flyers first went to print. The face covering rule now applies (in “Orange” and “Red”) to much more than public transport and domestic flights but has been extended to airports, retail businesses or services, most public facilities, service stations, pharmacies, veterinary services, health services, courts, NZ post, government premises, council premises, police premises, workers in hospitality services and more. Even under a “Green” traffic light regime (which we have been advised by government officials is “not in our foreseeable future”) masks will still be required in certain circumstances unless exempt.

- e. **For the convenience of the Board, we have set out below (paragraph 50) additional references to the facts set out in the Summer Mask Flyer.** We encourage you to review these as there are new updated collated materials. The links are too numerous to set each out one individually but a particularly good collection is found at: <https://swprs.org/face-masks-and-covid-the-evidence/>
- f. **We stand by the validity of the references we have provided.** In addition we draw your attention to the blog post³ www.covidreferenceguide.com/why-helen-petousis-harris-is-wrong one of many blog posts written independently of Voices for Freedom responding to claims to have "debunked" our previous flyers to the extent that the earlier claims/decisions have any relevance to the materials currently under consideration.
- g. **Our identity and position has been clearly stated on the Summer Mask Flyer along with our contact details. [Principle 2: Rule 2(e)].** The flyer contains a series of factual statements, and all statements are substantiated as set out in this letter.
- h. **The Summer Mask Flyer does not contain or refer to any personal testimonial and nor does it claim endorsement by any independent agency. [Principle 2: Rule 2(f)].** The Summer Mask Flyer simply makes it clear that the ASA has confirmed that all claims in the flyer were adequately substantiated according to requirements.

PRINCIPLE 1: RULE 1(c)

14. Principle 1: Rule 1(c) states that:

Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

15. The Summer Mask Flyer does not (for the reasons set out in this section and elsewhere in this letter) contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

³ <https://www.covidreferenceguide.com/why-helen-petousis-harris-is-wrong>

16. It is designed to engage readers to think more deeply about the wearing of masks in respect of SARS-CoV-2 viral infections. It provides education to the public about known and possible risks associated with mask wearing in this context with a list of statements for consideration under the heading “Did You Know?”.
17. We do recognise that that the information may be challenging for some people. To the extent that any reader alleges they themselves have taken serious offence to the flyer, then the importance of ensuring that people are fully informed and educated to make a truly informed decision about an important medical procedure would justify these emotions.
18. (We certainly do not accept that the Summer Mask Flyer is giving rise to hostility, contempt, abuse or ridicule *against* others. To the extent that any readers themselves are expressing feelings of hostility, contempt, abuse or ridicule towards Voices For Freedom as a result of the flyers then again, we consider such emotions to be justified by the importance of ensuring the public is fully informed.)

PRINCIPLE 1: RULE 1(g)

19. Principle 1: Rule 1(g) states that:

Advertisements must not cause fear or distress without justification.

20. The Summer Mask Flyer does not cause fear or distress without justification for the reasons set out in this section and elsewhere in this letter.
21. Again, the Summer Mask Flyer is designed to engage readers to think more deeply about masks. It provides education to the public about known and possible risks associated with mask wearing and a list of facts for consideration asking them to consider whether “mandatory” coverings in certain situations including on public transport and domestic flights are “the right solution.
22. We recognise that the information may be challenging for some people. However, where the emotions referenced in the Rule attributed to the Summer Mask Flyer, the importance of ensuring that people are fully informed and

educated to make a fully informed decision about an important medical procedure would justify these emotions.

PRINCIPLE 1: RULE 1(h)

23. Principle 1: Rule 1(h) states that:

Advertisements must not undermine the health and wellbeing of individuals.

24. Our Summer Mask Flyer does not undermine the health and wellbeing of individuals.

25. On the contrary, the Summer Mask Flyer ensures that individuals are fully armed with the information they need in order to consent to wearing a mask. Full knowledge of the pros and cons of the mask wearing enables individuals to decide what risks they wish to take and the best health outcome for them.

26. This is particularly important when dealing with a medical procedure that is being mandated on millions of adults, youth and young school children and even more so when it is being mandated for healthy adults and children.

27. There has been an enormous quantity of information provided over a sustained period from both the Media and the Government claiming positive reasons for mask wearing. Essential information about the limitations in efficacy, potential health risks and environmental consequences has been sparse to non-existent.

28. Our Summer Mask Flyer is designed to address the current imbalance, thus providing the best chance for individuals to demonstrate self-responsibility regarding their well-being.

PRINCIPLE 2: RULE 2 (b)

29. Principle 2: Rule 2(b) states that:

Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge.

This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

30. The Summer Mask Flyer does **not** mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge.
31. There is a clear and simple method to access the information backing up every claim.
32. There is not the space to print every single URL to references for claims made and nor would this be a satisfactory solution in any case as the links to the information in many cases are long and complex. The only practical way to provide access to them is online.
33. To this end, we made every effort to make it as easy as possible to view those references by providing a link in large font prominently on both front and back of the flyer www.voicesforfreedom.co.nz/mask-facts which takes the reader to the reference materials. In there is also a QR code on the back of the flyer which takes the reader to this same web page.
34. Please visit this link to see the studies that substantiate our six statements. Additional supporting studies and observations are linked to below.
35. This is all very reasonable and follows the usual practice in terms of making references easily accessible. Readers can click on the QR code or manually type in the Voices For Freedom URL details to ascertain the sources provided.
36. Thus, it is clear there is no intention to mislead, deceive or confuse the public, abuse their trust or exploit their lack of knowledge.

Mask Exemptions

37. The Mask Flyer provides information about the exemptions allowed for under NZ law which are purposefully drafted very broadly (and yet for some reason promoted barely at all). There is reference to the exemptions in the 6th point on the flyer, in the footer and on the back of the flyer with the Covid Order clause that was applicable at the time of going to print.

38. There is now a new Order in place to cover the “Traffic Light system”. The substance of the exemption printed on our flyer remains the same. You can read the relevant clause current at time of writing this response.
39. This government website has a summary of the exemptions:
<https://covid19.govt.nz/prepare-and-stay-safe/keep-up-healthy-habits/wear-a-face-covering/who-does-not-need-to-wear-a-face-covering/>
40. The reality is, the way the exemptions are drafted, there is not a single person in New Zealand who could not qualify to be exempt from wearing a mask (face covering). So we would be well within our rights to point this out to the NZ public. However, we in fact took a more conservative approach, inviting the reader to ascertain for themselves “Do you qualify for a mask exemption?”
41. Following this route they are then invited to learn more and, if they then consider, (based on information shared with them via email) that they qualify for a mask exemption they have a link to request an official exemption card.
42. The various public links to download a card were removed from the internet during the first week or so of the lockdown in August 2021 causing great confusion. All previous cards remain in circulation which are identical to those which are now required to be “requested”.
43. Various government websites also confirm (as per what is indeed clear from government Orders) that the use of an exemption is self-regulating. A person claiming to be exempt is able to do so simple by stating “I am exempt” and is:
- a. Not required to disclose the reason for their being exempt;
 - b. Not required to carry an official exemption notice;
 - c. Not required to carry any exemption notice; and
 - d. Not required to have a medical certificate.

PRINCIPLE 2: RULE 2 (f)

44. Principle 2: Rule 2(f) states that:

Advertisements must not contain or refer to any personal testimonial unless permission to use the testimonial has been obtained and it is verifiable, genuine, current, and representative of the typical not the exceptional.

Advertisements must not claim or imply endorsement by any individual, government agency, professional body or independent agency unless there is prior consent and the endorsement is current and verifiable.

45. The Summer Mask Flyer does not contain any personal testimonial and does not claim to be endorsed by an individual, agency etc.
46. The Flyer does not claim endorsement by any one or any entity. (To the extent any such endorsement is implied then it is current and verifiable and implicit in any decision made by the ASA that a party to that decision must be able to make public the ruling made.)
47. Rather, the Summer Mask Flyer simply includes statements that the an independent agency (the ASA) has made certain representations in respect of certain parts of the Flyer: specifically the six statements that are its feature.
48. These six statements are verbatim as are set out in the Original Mask Flyer. The claims and the references to back them up as well as the ASA decision for case 21/318 ("**the ASA Decision**") are set out on our website at <https://www.voicesforfreedom.co.nz/mask-facts>.
49. In the Summer Mask Flyer, directly alongside these claims, is written the exact language taken from the ASA Decision on the Original Mask Flyer in respect of such claims answering the question as to "*Were any of the statements in the leaflet misleading*".
50. The relevant holding by the ASA in the ASA Decision is reproduced by way of a direct quote:
- "The Complaints Board agreed that none the six statements made in the advertisement were misleading, because they had been adequately substantiated in the context of advocacy advertising".*
51. The words "A.S.A. ALL CLAIMS SUBSTANTIATED" appear alongside this quote.
52. As such, the Summer Mask Flyer sets out factual information which is that the ASA has confirmed that all claims in the flyer were substantiated. Further clarification is provided in the flyer with the direct quote from the ASA spelling out the exact conditions upon which the claims were found to be substantiated.

ADDITIONAL REFERENCES

53. In addition we can refer you to the following:
- i. A comprehensive overview of the current evidence regarding the effectiveness of face masks: <https://swprs.org/face-masks-and-covid-the-evidence/>. This includes a detailed rebuttal of the Bangladesh study referenced in complaints 7 and 11.
 - ii. A New Zealand made video that comprehensively explains many of the points in our flyer:
<https://odysee.com/@voicesforfreedom:6/Challenging-Epidemiologist-Michael-Baker-on-Face-Masks---Mass-Masking:9>
 - iii. An excellent succinct video on masks looking at absolute and relative risk analysis from an emergency room doctor:
<https://odysee.com/@voicesforfreedom:6/Dr-Chris-Milburn-On-The-Efficacy-Of-Masks:0>
 - iv. Video featuring our own Prime Minister and her 'experts' discussing masks and lack of effectiveness:
<https://odysee.com/@voicesforfreedom:6/face-mask-logic-%28nonsense%29-from:5>
 - v. Two minute video on kids and masks:
<https://odysee.com/@voicesforfreedom:6/mask-mandate-madness:8>
 - vi. A recent Official Information Act enquiry response confirmed that:
"Maintaining the requirement for face coverings on public transport in Alert Level 1 provides wider benefits that support the overall response to the pandemic. For example, **face coverings are a constant reminder of the ongoing threat posed by COVID-19 and will help prompt people to be more vigilant about other important behaviours**, such as physical distancing, scanning and using the New Zealand COVID Tracer App, hand hygiene and coughing and sneezing etiquette." <https://dpmc.govt.nz/sites/default/files/2021-04/cab-20-min-0477-mandatory-masking.pdf>
 - vii. An October 2021 review of relevant literature from an Australian website: <https://www.news.com.au/technology/science/human-body/its-crap-victorian-study-claiming-mandatory-masks-stopped->

second-wave-shredded-by-experts/news-story/aeb937d27ec5a79e6b728ade598f49ab

- viii. <https://childrenshealthdefense.org/the-science-of-masks/> a blog post with a reputable organisation which links to hundreds of articles and studies backing up statements made in our flyer.
- ix. Another resource put together by group of diverse professionals including doctors, scientists, epidemiologists looks the ineffectiveness of masks, mask harms and particularly the negative health consequences for children wearing masks
<https://www.pandata.org/infobank-masks/>.
- x. A short article which summarises shortcomings of masks including points we cover in the Flyer: <https://swprs.org/the-face-mask-folly-in-retrospect/>
- xi. Another comprehensive critique of mask studies:
<https://euqyppius.substack.com/p/most-mask-studies-are-garbage>
- xii. Only just this month the UK government has released a new “Evidence Summary” looking at the use of face coverings in education settings. The BBC <https://www.bbc.com/news/health-59895934> looks at the study finding “it did not provide proof of a statistically significant impact...The government admits the evidence for using masks in schools to reduce spread of Covid is ‘not conclusive’.”
54. By way of specific rebuttal to a study⁴ referred to as supporting that typical mask wearing *does* reduce SARS-CoV-2 infection rates we note that the study in question was an observational study. Trials with randomisation are generally considered stronger evidence, since they account better for other factors

⁴ Complaint 18 second case cited. Complaint 20 various citations we address on our website page. In addition we note that in respect of our first statement we are speaking about “typical mask wearing” – the author can confirm from personal experience observing people for only ten minutes on the corner of a street in downtown Auckland (an area where masks are being widely used) to see that a majority of masks are being worn under chin, under nose, carried scrunched up in hands, in and out of pockets, over beards etc and that a significant proportion (if not majority again) are wearing cloth masks. In respect of the particle size references substantiating this claim are on our website and in the additional materials.

between comparison groups ('confounders' in the trade). The Danish mask⁵ study referenced by us in respect of our first statement in the Flyer was a trial that produced such evidence and it showed no benefit from masks.

55. And in rebuttal to commentary on the efficacy of the masks in respect of particle size we continue to refer to our website materials and in addition materials set out above and the study⁶ below.

CONCLUSION

56. The information we provide never makes it into mainstream news, media or government promotions. The public is not exposed to a balanced conversation, pros and cons, the big picture of risks, potential risks, or any other limitations on mask use.
57. There is no full and transparent information from the authorities or media to ensure a genuine informed consent process. We consider it an indictment on the system that a grassroots movement such as Voices for Freedom has had to take up that charge independently.
58. It is clear from the complaints that receiving this information has been new and challenging for some recipients. We note that one complaint in its entirety is

⁵ <https://www.acpjournals.org/doi/10.7326/M20-6817> is a Danish randomized controlled trial with 6000 participants, published in the Annals of Internal Medicine in November 2020, found no statistically significant effect of high-quality medical face masks against SARS-CoV-2 infection in a community setting.

⁶ We note in particular the following study <https://ajp.scitation.org/doi/10.1063/5.0057100> "*Experimental investigation of indoor aerosol dispersion and accumulation in the context of COVID-19: Effects of masks and ventilation*". "The baseline filtration characteristics for the various masks tested in this study indicate that more than 50% of aerosols (polydisperse, 1 μm mean diameter) can pass through the material of commercially available cloth and surgical masks in ideal conditions (zero leakage due to fit), whereas ideal filtration efficiency is 95% (or higher) in the case of KN95 and R95 masks ... Flow visualizations and velocity measurements in the near-field (immediate vicinity of the face) indicate that none of the tested masks is performing at their ideal filtration efficiencies due to leakages through gaps in the fit of the mask. This occurs around the cheeks, below the jaw, and at the bridge of the nose, with the latter being the most significant for all masks. Aerosols are seen to escape through these leakage sites in the form of concentrated particle clouds that do not mix quickly with the ambient air on account of relatively low flow velocities and hence low levels of turbulent mixing. The degree of leakage varies between masks, with high-efficiency masks, such as the KN95, performing better. Factors affecting leakage at the mask perimeter include mask geometry, strap style and elasticity, and whether or not the mask is equipped with a deformable nose piece that can be tightly shaped to the nose. ...The results show that a standard surgical and three-ply cloth masks, which see current widespread use, filter at apparent efficiencies of only 12.4% and 9.8%, respectively. Apparent efficiencies of 46.3% and 60.2% are found for KN95 and R95 masks, respectively, which are still notably lower than the verified 95% rated ideal efficiencies."

that we are “twits spouting nonsense”. Others apparently believe the information is “dangerous disinformation” and “misleading information. Yet every statement in the flyers is backed up. In many cases, directly from government sources, including the NZ government.

59. At Voices for Freedom, we welcome rigorous debate and respectful, bold conversations. Only when information about all of the potential risks is widely available can we have an open discussion about the Covid response including the mask mandates. Many people are rushing to comply without access to all the information.

60. NZ law requires that individuals are provided with the information they need to make a fully informed choice.⁷ Without full robust dialogue, that cannot happen.

⁷<https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>